

ORIGINAL

U.S. COURTS
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UNITED STATES DISTRICT COURT FOR THE DISTRICT OF IDAHO

UNITED STATES OF AMERICA,)	Case No. CR 03-0245-E-BLW
)	
)	
vs.)	AGREED FINAL ORDER
)	IN GARNISHMENT
BRIAN SCOTT RILEY,)	
)	
Defendant,)	
)	
and)	
)	
WESTERN HERITAGE TIMBER,)	
)	
Garnishee.)	

The parties, the United States of America, by and through Amy S. Howe, Assistant United States Attorney for the District of Idaho, the defendant, Brian Scott Riley, and the Garnishee, Western Heritage Timber, agree and stipulate as follows:

1. The defendant's name is Brian Scott Riley, the last four digits of his social security number is 5859, and his last-known address is 1451 East 1500 N, Hamer, ID, 83425.

AGREED FINAL ORDER
IN GARNISHMENT - 1

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1 2. A Judgment was entered against defendant, Brian Scott Riley,
2 in the United States District Court for the District of North Dakota
3 on September 11, 2003, in the amount of \$52,930.51, plus future costs
4 and post-judgment interest at the rate of 1.21% per annum. The total
5 balance owing on the Judgment is \$53,123.49 as of January 14, 2004.

6 3. The defendant, Brian Scott Riley, requests that payment of
7 this Judgment be made through a continuing garnishment of his wages in
8 payments of 25% of his disposable earnings beginning immediately.

9 4. The garnishee, Western Heritage Timber, has in its
10 possession, custody or control property of the defendant, Brian Scott
11 Riley, in the form of wages paid to the defendant, Brian Scott Riley.

12 5. The defendant, Brian Scott Riley, waives service of an
13 Application for a Writ of Continuing Garnishment pursuant to Section
14 3205 of the Federal Debt Collection Procedures Act of 1990, 28 U.S.C.
15 § 3205, and further waives his right to a hearing under Section 3205
16 and any other process to which the defendant may be entitled under the
17 Federal Debt Collection Procedures Act of 1990.

18 6. The garnishee, Western Heritage Timber, waives service of an
19 Application for a Writ of Continuing Garnishment pursuant to Section
20 3205 of the Federal Debt Collection Procedures Act of 1990, 28 U.S.C.
21 § 3205 and further waives its rights to answer and be heard in this
22 matter and any other process to which the garnishee may be entitled
23 under the Federal Debt Collection Procedures Act of 1990.

24 7. The defendant, Brian Scott Riley, agrees and stipulates that
25 his wages are subject to garnishment under Section 3205 of the Federal
26 Debt Collection Procedures Act of 1990, 28 U.S.C. § 3205, and

1 expressly agrees and stipulates that the entry of a Final Order in
2 Garnishment is proper.

3 8. The parties therefore agree and stipulate to the entry of a
4 Final Order in Garnishment against the non-exempt wages of the
5 defendant, Brian Scott Riley. It is expressly agreed and stipulated
6 to by the parties that the garnishee, Western Heritage Timber, shall
7 pay into the hands of the United States Attorney twenty-five percent
8 (25%) of the defendant's disposable earnings.

9 To calculate disposable earnings, subtract the following from
10 wages, commissions, and income:

- 11 1. Federal Income Tax
- 12 2. Federal Social Security Tax
- 13 3. Idaho State Income Tax

14 9. The parties further agree and stipulate that these sums are
15 to be applied upon the judgment entered in this action on
16 September 11, 2003, in the sum of \$52,930.51, upon which there is an
17 unpaid balance of \$53,123.49 as of January 14, 2004, plus interest at
18 the rate of 1.21% per annum from January 14, 2004, until paid and any
19 costs. These deductions are to continue until the unpaid balance,
20 plus accruing interest and any costs, is fully paid and satisfied.

21 10. Checks should be made payable to:

22 CLERK, U. S. DISTRICT COURT

23 and be mailed to:

24 United States Attorney's Office
25 ATTN: Financial Litigation Unit
26 P. O. Box 32
27 Boise, ID 83707


28 11. This order shall have priority over writs, judicial orders
and garnishments which are issued later in time unless said writs,


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1 judicial orders and garnishments are for the support of a person.

2 Respectfully submitted,


3 THOMAS E. MOSS
4 United States Attorney
5 By

6 
7 AMY S. HOWE
8 Assistant United States Attorney

9 
10 BRIAN SCOTT RILEY,
11 Defendant

12 
13 Representative for Garnishee,
14 Western Heritage Timber
15 Address: 1432 E 1500 N.
16 ~~PERMIT~~ ID 83450
17 Telephone No: 208-663-4400

18 APPROVED AND SO ORDERED this 30th day of January, 2004.

19 
20 JUDGE, UNITED STATES DISTRICT COURT

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27 AGREED FINAL ORDER
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 2nd day of February, 2004,
I served a true and correct copy of the foregoing Agreed Final Order
in Garnishment by United States Mail, postage prepaid, to the
following:

Amy S. Howe
Assistant United States Attorney
P. O. Box 32
Boise, Idaho 83707

Brian Scott Riley
1451 East 1500 N
Hamer, ID 83425

Western Heritage Timber
Attn: Payroll Section
1432 E. 1500 N.
Terreton, ID 83450


DEPUTY CLERK

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